

IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF OKLAHOMA

FILED

JAN 13 2009

JASON LEE WEBB,
Plaintiff,

vs.

C/O BEATY et al.,
Defendants.

ROBERT D. DENNIS, CLERK
U.S. DIST. COURT, WESTERN DIST. OF OKLA.
BY W.H. DEPUTY

No. CIV-08-225-W

ORDER

On December 11, 2008, United States Magistrate Judge Robert E. Bacharach issued a Report and Recommendation in this matter and recommended that the Court grant the Motion to Dismiss filed by defendant GEO Group, Inc. ("GEO"), and dismiss the complaint filed by plaintiff Jason Lee Webb. Magistrate Judge Bacharach further recommended that the dismissal be without prejudice to amendment. The parties were advised of their right to object to the Report and Recommendation, but no objections were filed within the allotted time.

Upon review of the record, the Court concurs with Magistrate Judge Bacharach's suggested disposition of the instant motion under Rule 12(b), F.R.Civ.P. The Court further concurs that Webb's failure to plead sufficient facts to state a valid claim for relief that is plausible on its face against GEO under title 42, section 1983 of the United States is potentially curable. Thus, as Magistrate Judge Bacharach noted, such dismissal should be without prejudice, and Webb should be given the opportunity to amend his complaint.

Accordingly, the Court

(1) ADOPTS the Report and Recommendation [Doc. 43] issued on December 11,

2008;

(2) DENIES GEO's Motion for Summary Judgment [Doc. 38], but GRANTS GEO's alternate Motion to Dismiss [Doc. 38] filed on October 14, 2008;

(3) DISMISSES Webb's complaint as to this defendant, but ADVISES that such dismissal is without prejudice to amendment; and

(4) GRANTS Webb leave to amend his complaint as to this defendant within twenty (20) days of the date of this Order.

ENTERED this 13th day of January, 2009.


LEE R. WEST
UNITED STATES DISTRICT JUDGE